

**BOARD OF COMMISSIONERS OF CLARK COUNTY, INDIANA**

IN RE THE MATTER OF THE  
2007 AMENDMENT TO THE  
ECONOMIC DEVELOPMENT  
INCOME TAX CAPITAL IMPROVEMENT  
PLAN OF CLARK COUNTY, INDIANA  
FOR DRAINAGE PURPOSES

**RESOLUTION (AND ORDER) NO. 8 -2007**

WHEREAS, the Board of Commissioners of Clark County, Indiana (“Commissioners”) entered an Order adopting a capital improvement plan pursuant to I.C. 6-3.5-7 on January 12, 2004 (the “Order”);

WHEREAS, in addition to such Order, the Commissioners initially enacted the *Economic Development Income Tax Capital Improvement Plan of Clark County, Indiana* (the “Plan”) on the same date;

WHEREAS, since original enactment of the Order and of the Plan, the Commissioners has amended the Plan, on limited occasions, for specific purposes consistent with the laws pertaining to usage of the Economic Development Income Tax (“EDIT”) as specific needs have arisen, in the exercise of the Commissioner’s sole discretion as provided by law;

WHEREAS, a need exists to make a one – time amendment to the Plan in 2007, to provide for expenditure of EDIT Funds, in an amount not less than \$200,000.00 to meet requirements of law and for drainage purposes identified and approved by the Clark County Drainage Board (“Drainage Board”), acting within its statutory and legal responsibilities, from time-to-time;

WHEREAS, the Commissioners deem it necessary to amend the Plan so as to permit expenditure of not less than \$200,000.00 from the EDIT Fund, subject to final claim approval of the Commissioners on a regular basis.

NOW THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

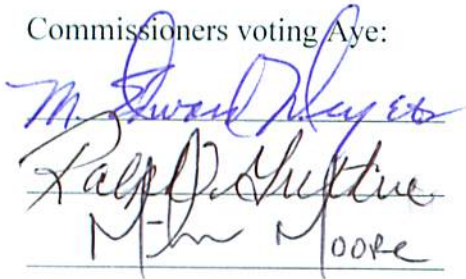
1. That each and every recital set forth hereinabove is adopted into the operative terms of this Amendment to the Plan;
2. That the Plan is hereby amended to authorize the expenditure, on a one-time only basis in 2007, of not more than \$200,000.00 for purposes pertaining to enforcement of the *Clark County Drainage Ordinance*, (Ord. 7-2002) the *Clark County Erosion and Sediment Control Ordinance* (Ord. 9-2002) and to meet all other requirements of state and federal law. These

funds may also be used for purposes of providing such services as are deemed necessary, and legal, to remedy violations of either of the foregoing Ordinances or to remedy dangerous drainage conditions and circumstances which, in the opinion of expert technicians or engineers retained by the Drainage Board, requires a reasonable professional plan for curing or repairing a problem that is approved by the Drainage Board for such action;

3. The Commissioners further authorizes the Drainage Board to utilize monies from this Amendment to the Plan for such enforcement actions as are necessary under either of the Ordinances described above. The Drainage Board may also utilize these monies in circumstances when necessity requires usage of same after all attempts to collect from responsible builders or developers, through litigation or other legal means, (a) have failed or (b) have been exhausted without success or (c) in circumstances involving bankruptcy by builders or developers;
4. All monies subject to expenditure decisions pursuant to this Amendment, and from said EDIT Fund, shall be approved by both (a) the Drainage Board and (b) the Commissioners before the Auditor of the county may issue a county warrant pursuant to this Amendment.
5. With respect to any proposed expenditure that is in excess of \$25,000.00, representatives of the Drainage Board shall be, **first**, required to obtain an approval vote of the Commissioners at a public, regular meeting of the Clark County Board of Commissioners before executing any contracts for such amount;

This Amendment made and authorized this 4<sup>th</sup> day of October, 2007.

Commissioners voting Aye:

  
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Commissioners voting Nay:

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ATTEST:

  
Barbara Bratcher Haas  
Clark County Auditor